

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ARCHIE TINDELL,)	
)	
Plaintiff,)	
v.)	C.A. No. 12-173 Erie
)	
DEPT. OF CORRECTIONS, et al,)	
Defendants.)	

MEMORANDUM ORDER


Plaintiff's complaint was received by the Clerk of Court on August 15, 2011, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, issued on July 30, 2012, recommended that the instant action be dismissed due to Plaintiff's failure to prosecute this case. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Plaintiff by mail at SCI Forest, where he is incarcerated. Objections to the Report and Recommendation were filed by Plaintiff on August 9, 2012. ECF No. 173. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 15th Day of August, 2012;

IT IS HEREBY ORDERED that this case is DISMISSED due to Plaintiff's failure to prosecute. The report and recommendation of Magistrate Judge Baxter, issued July

30, 2012 [ECF No. 169], is adopted as the opinion of the court.


DONETTA W. AMBROSE
United States District Judge

all parties of record _____